

U.S. Department of Labor

Office of Administrative Law Judges
Washington, DC



In the Matter of

RAY FITCH FARMS,
Petitioner

Case No. 87-TLC-7

v.

UNITED STATES DEPARTMENT OF LABOR,
Respondent

ORDER OF DISMISSAL

This case is before the undersigned based upon a request filed by the Petitioner for an expedited administrative review before an administrative law judge because of a denial of the Petitioner's 1987 application for Temporary Labor Certification under Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act, as amended by the Immigration Reform and Control Act of 1986.

The denial, dated July 22, 1987, was based on the fact that the Petitioner failed to meet requirements specified in the attachments to a letter dated July 8, 1987 which had been sent to him by Thomas E. Hill, the Acting Regional Administrator.

While the case was pending in this office, the Petitioner submitted the material referred to in that correspondence, and the Regional Administrator rescinded his letter of July 22, 1987. By letter dated August 11, 1987, the Regional Administrator advised me of the foregoing facts, as well as the fact that Mr. Fitch was informed that because of an order recently issued by a United States District Court Judge, no such certifications were to be issued until further notice, and that under no circumstances could a certification be issued unless relief was obtained from the Order of the U.S. District Court Judge. In that letter it was also stated that the Petitioner had agreed to withdraw his request for an administrative hearing and would advise this office of that decision. On August 12, 1987 I personally called the business office of Ray Fitch Farms, and was advised that such a letter would be forthcoming.

In view of the fact that the Petitioner has withdrawn his request for a hearing, and that his sole remedy is within the jurisdiction of the United States District Court, it is hereby ORDERED: that this request for hearing be, and it hereby is DISMISSED.

Dated and signed at Washington, D.C. this 14th day of August, 1987.

LEONARD N. LAWRENCE
Administrative Law Judge

LNL/mml